

The Examiner has objected to the disclosure for failure of the title and Abstract to mention a "stand".

Accordingly, the title has been amended to read: "A STAND FOR PIVOTABLY MOUNTING AN OPTICAL READING DEVICE".

A new Abstract directed to the claimed "stand" is also attached hereto.

The Examiner has rejected the claims as follows:

1. Claims 45-49 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 4,766,297 to McMillan (hereafter "McMillan") in view of U.S. Patent 5,612,930 to Sanders et al (hereafter "Sanders et al.").
2. Claim 56 under 35 U.S.C. §103 (a) as unpatentable over Sanders et al.; and
3. Claims 50-52 under 35 U.S.C. §102(e) as unpatentable over Sanders et al.

Applicants respectfully traverse these rejections.

McMillan discloses a scanning system 10 having a base 14 for holding a portable hand-held scanning device 12. The base 14 holds the barrel portion 24 of the scanning device 12 such that the scanning device 12 faces downward.

The Examiner has admitted that McMillan fails to teach a base for supporting a holder section 5, so that the holder section can pivot, wherein the holder section has a slit arranged in the manner claimed in the present invention, but has cited Sanders et al. for teaching these features.

Neither McMillan nor Sanders et al. teaches, mentions or suggests that the holder section mounts the grip portion of the optical reader, as recited in claim 45 of the present application. As

shown in Fig. 1 of McMillan, the grip portion 29 is not contained in the head portion 42 of the base 14. Sanders et al. fails to show or discuss any grip portion at all.

Regarding claim 56, Sanders et al. fails to teach any optical part 26 having stems.¹ Furthermore, Sanders et al. also fails to teach, mention or suggest a third stem 265 formed in parallel with one of the second stems 264 on one of the edges of the optical part 26, as shown in Fig. 84 of the present invention.

Accordingly, claim 56 has been amended to clarify that the third stem is in parallel with the second stem.

Sanders et al., as noted above, fails to disclose any section of an optical reader which could be called a "grip", which is recited in claim 50 of the present application.

Claim 50 has been amended to clarify that the grip extends laterally, as shown in Fig. 33, which is not taught, mentioned or suggested by Sanders et al.

Further, it should be noted that the slit shown in Fig. 5 of Sanders et al. is used to hold the scanner itself. In contrast, the slit of the present invention is used to pass a cable.

Thus, the §102(e) and §103(a) rejections should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 45-52 and 56, as amended, are in condition for allowance, which action, at an early date, is requested.

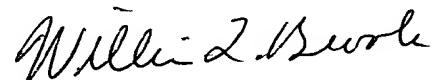
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

¹In Sanders et al., only the base 114 contains stems 118.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: Substitute Abstract
 Petition for Extension of Time